

	<b>Intelligentné dopravné systémy. Aspekty ochrany osobných údajov v normách IDS a systémy v Európe.</b>	<b>TNI CEN/TR 16742</b>  01 8520
--	----------------------------------------------------------------------------------------------------------	--------------------------------------------

Intelligent transport systems - Privacy aspects in ITS standards and systems in Europe

Táto technická normalizačná informácia obsahuje anglickú verziu CEN/TR 16742:2014.  
This Technical standard information includes the English version of CEN/TR 16742:2014.

Táto technická normalizačná informácia bola oznámená vo Vestníku ÚNMS SR č. 04/16

**122734**

---

Úrad pre normalizáciu, metrológiu a skúšobníctvo SR, 2016  
Tento dokument a ani jeho časti sa nesmú rozmnožovať a rozširovať v akejkoľvek podobe  
a akýmkoľvek prostriedkami bez písomného povolenia ÚNMS SR.

TECHNICAL REPORT

**CEN/TR 16742**

RAPPORT TECHNIQUE

TECHNISCHER BERICHT

October 2014

---

ICS 35.240.60

English Version

## Intelligent transport systems - Privacy aspects in ITS standards and systems in Europe

Systèmes de transport intelligents - Aspects de la vie privée  
dans les normes et les systèmes en Europe

Intelligente Transportsysteme - Datenschutz Aspekte in ITS  
Normen und Systemen in Europa

This Technical Report was approved by CEN on 23 September 2014. It has been drawn up by the Technical Committee CEN/TC 278.

CEN members are the national standards bodies of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Former Yugoslav Republic of Macedonia, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and United Kingdom.



EUROPEAN COMMITTEE FOR STANDARDIZATION  
COMITÉ EUROPÉEN DE NORMALISATION  
EUROPÄISCHES KOMITEE FÜR NORMUNG

**CEN-CENELEC Management Centre: Avenue Marnix 17, B-1000 Brussels**

## Contents

Page

Foreword.....	3
Introduction .....	4
1 Scope .....	5
2 Terms and definitions .....	5
3 Symbols and abbreviated terms .....	7
4 Background information .....	8
4.1 Historical background.....	8
4.2 Legal background.....	9
4.3 Fundamental Rights of Data Protection and Privacy.....	10
5 Basic elements of data protection and privacy .....	12
5.1 Personal information (PI) and its avoidance.....	12
5.1.1 General.....	12
5.1.2 GPS-Data or GPS-Trajectories .....	15
5.2 Sensitive data.....	16
5.3 Individual or data subject .....	16
5.4 Controller.....	17
5.4.1 General.....	17
5.4.2 ITS environment.....	17
5.5 Processor .....	18
5.6 Third Party .....	19
5.7 File or filing system (manually or automatically processed) .....	19
5.8 Consent.....	19
5.9 Withdrawal of consent .....	21
5.10 Fairness and legitimacy .....	21
5.11 Determination of purpose .....	21
5.12 Minimization of PI .....	22
5.13 Topicality and correctness of PI .....	22
5.14 Time limits to PI .....	23
5.15 Security requirements to PI .....	23
5.16 Obligation to keep PI secret .....	24
5.17 Obligation to inform the data subject (Individual or legal entity) .....	24
5.18 Right (access) to PI.....	25
5.19 Right to rectification and erasure of PI .....	26
5.20 Right to objection .....	27
5.21 Video surveillance (VS) .....	28
5.22 Shift in the burden of proof .....	28
Annex A (informative) Examples of the principle of “cumulative interpretation” .....	30
Annex B (informative) Data privacy Framework, Directives and Guidelines .....	33
Annex C (informative) Security related International Standards .....	34

## **Foreword**

This document (CEN/TR 16742:2014) has been prepared by Technical Committee CEN/TC 278 “Intelligent transport systems”, the secretariat of which is held by NEN.

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. CEN [and/or CENELEC] shall not be held responsible for identifying any or all such patent rights.

## **Introduction**

This Technical Report is a guide for the developers of both ITS itself and its standards when many types of data are exchanged during the performance of its tasks, which includes in some cases personal data and information. Such Personal Data or Personal Information (PI) underlies for their applications special rules defined in European Union (EU) mandatory directives or a possible EU Regulation concerning the revision of the EU Directives at Data Protection or at the national level national data protection law. In order to avoid an incorrect use of PI in any standard or Technical Report, which would cause the application of this standard or Technical Specification to be banned by legal courts, this Technical Report gives guidelines for the CEN/TC 278 Working Groups how to deal with PI in compliance with the legal rules.

Even though specific data privacy protection legislation is generally achieved through national legislation and this varies from country to country there exists a basic set of rules which are common in all European countries. These common rules are defined in the European Directives 95/46/EC and 2002/58/EC in their current versions. Countries not members of the European Union (Switzerland, Norway, Island etc.) have issued national data protection laws, which are very closely aligned to the European Directives. It should also be noted that the European Directives on the protection of individuals (95/46/EC and 2002/58/EC) are regarded as the strongest legal rules around the world.

This Technical Report builds on the content of ISO/TR 12859:2009 but extends the rules and recommendations in order to be as compliant as is reasonable with the European Directives and some of the national data protection laws. This means it is more specific and includes some recent developments and it tries to include some intentions of what the European Commission is preparing to include in a revised and enforced version of the Directive 95/46/EC (the proposed EU proposal of a Regulation of data protection COM(2012)11 final, 2012/0011 (COD)).

## 1 Scope

This Technical Report gives general guidelines to developers of intelligent transport systems (ITS) and its standards on data privacy aspects and associated legislative requirements. It is based on the EU-Directives valid at the end of 2013. It is expected that planned future enhancements of the Directives and the proposed “General Data Protection Regulation” including the Report of the EU-Parliament of 2013-11-22 (P7\_A(2013)0402) will not change the guide significantly

**koniec náhľadu – text ďalej pokračuje v platenej verzii STN**